G.R.S. IX-5]

Previous references.

1922.

(Courts —)

File No. 113-22

Serial Nos. 1-2.

Later references.

do 38-27 (1-4)

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1100

Part B for December 1922

SUBJECT

Addendum to the Criminal Rule of Practice No. 5 dated 22. 6. 1878, prescribing a register for the classification of Criminal Miscellaneous appeals filed in appellate courts.

8(2)

To

The Registrar, Chief Court.

No. P. 4285 of 22.11.22.

Sanctions.

Printed on the Multigraph.

Mr Nagesh Rao
2/12/22.

9252/P

G. R. S. III—11 1912-3

GENERAL AND REVENUE SECRETARIAT.

(C5)

NOTES.

File No. 113.22

FILE HEADING.

Addendum to the Criminal Rules of Practice no 5 of 12.6.1878 prescribing a Register for the classification of criminal miscellaneous appeals filed in appellate courts

From

The Registrar Lahore Court

Nore No. 71 Dated 30.10.22 Received 3.11.22

Diary No. 2253	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that there is no uniform practice for the classification of criminal miscellaneous appeals filed in appellate courts and requests sanction to the accompanying addendum prescribing a register for the purpose

NOTES AND ORDERS.

Submitted for orders with draft

P/ 4.11.22

2) To appl

Jail Secy

Case 6/11

3) May be approved

3089 15/11/22 Second Member

NOTES—First Sheet.

4) Mr. Wilson

P. 4/11 16/11/22

16/11

5) Done

No. 4285P 22.11.22

CHIEF COURT OF MYSORE

Bangalore, dated 30th October 1922.

From

A. Sreeniyasa Raghava Chari, Esqr., B.A.,B.L.,
Registrar of the Chief Court of Mysore,
B a n g a l o r e.

To

B. V e n k o b a R a o; Esqr., B. A.,
Secretary to the Government of Mysore,
B a n g a l o r e.

S i r,

I am directed to invite reference to Criminal Annual Judicial Statement No.1 in column 15 of which the total number of Criminal Miscellaneous Appeals disposed of are to be entered. The practice however in the several District Magistrates' and Sessions Courts is not uniform; while the Sessions Judges of Bangalore and Shimoga and the District Magistrates of Hassan, Kolar and Kadur report that no cases are entered in their courts, under the category of criminal miscellaneous appeals, the District Magistrates of Bangalore and Mysore state that appeals of all kinds are entered in Register No.VI (Register of Appeals); and the District Magistrate of Shimoga says that appeals against orders under section 195, Criminal Procedure Code are entered in Register No.III (Miscellaneous Case Register), but those under section 515 of the Criminal Procedure Code are taken on to Register No.VI; and other courts treat appeals under sections 520 and 195(6) of the Criminal Procedure Code as Criminal Miscellaneous Appeals but enter them in Miscellaneous Register No.III. There is thus neither uniformity of practice nor any rule in regard to the registering of such appeals.

2. Though this practice of clubbing together both class of appeals in the same register has the advantage of avoiding an extra register, yet separate registers are necessary in view of the fact that there is a distinction between the two kinds of appeals, Regular appeals being appeals against convictions under substantive law and Miscellaneous criminal appeals, appeals

against

against orders passed under the adjective law, viz., Criminal Procedure Code.

3. In order, therefore, that this distinction may be maintained and the practice in all criminal appellate courts may be uniform and also with a view to facilitate the preparation of the figures for column 15 of the Annual Statement No.I, the Chief Court considers that a Register of Criminal Miscellaneous appeals should be prescribed for all criminal courts exercising appellate powers, wherein should be entered appeals under sections 405, 406, 195, 250(3),486, and 515 of the Criminal Procedure Code. Although this involves an additional register, it is not likely to entail much work as the entries will not be many and the advantages more than compensate for the slight extra trouble involved in writing the entries.

4. I am, therefore, to request that Government may be pleased to accord their sanction for the issue of the accompanying addendum to the Rule of Practice No.5 (Criminal) introducing the register under reference.

I have the honour to be,

S i r,

Your most obedient servant,

1/11/22

REGISTRAR.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE

Addendum dated .... to Rule of Practice No.5, dated the 12th June 1878.

With a view to ensure uniformity of practice in regard to the classification of Criminal Miscellaneous Appeals, the Chief Court directs that a new register be maintained, in the form appended below, for such appeals in all the criminal courts exercising appellate powers :-

NO. VI (Criminal)

Register of Criminal Miscellaneous Appeals in the court of.....

Date of Memorandum	No. of Appeal.	Name and description of appellant.	Name and description of respondent.	Order appealed from			Date fixed for hearing.	Final order		Remarks
				of what court	No. of original application	Nature of original application.		Date	Whether original order confirmed, reversed or modified	
1	2	3	4	5	6	7	8	9	10	11

Note. The following appeals will be entered in this register : -

(1) Appeals under section 405 Criminal Procedure Code(against orders under section 89, Criminal Procedure Code)

(2) Appeals under section 406 Criminal Procedure Code(against orders under section 118 Criminal Procedure Code).

(3) Appeals against orders under section 195 Criminal Procedure Code.

(4) Appeals under section 250(3) Criminal Procedure Code.

(5).

G.R.S. VI G 31]

SUBJECT.....

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Diary No. of letter replied to..... 2253

Section GS
File No. 113-W
Serial No. 2

General and Revenue Secretariat

( )

the 192

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 22/11

Signed by..... M' Jag

Read—

Letter no ROC 71 dt 30.10.22 from the Registrar, Chief Court of Mysore, stating that there is no uniform practice in the matter of registering miscellaneous appeals filed in appellate courts and requesting sanction to the accompanying addendum to the Criminal Circular Practice no 5 dt 102-6-18-28 prescribing a register for the classification and registering of such appeals:

Order Thereon No. F dt 4285 (1)

Sanctioned

B 14/11/1922

Chief Secy

20

for Chief Secy

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Chief Secy - 6/11

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4/11